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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/493,517

01/28/2000

Matthew Fuchs

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11/16/2006

HAYNES BEFFEL & WOLFELD LLP

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/493,517

Applicant(s)

FUCHS ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-18, 20-26 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-18, 20-26 and 30-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>30 August 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 08/30/2006 to the application filed 01/28/2000.

Claims 14-18, 20-26 and 30-35 are presented for examination. Claims 1-13, 19, and 27-29 have been canceled. Claims 14, 25, and 31 are independent claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 14-18, 20-26, and 30 are rejected under 35 U.S.C. 102(e) as being anticipating by **Call** (US 6,418,441 – filed 07/2000, which is division of application No. 09/316,597, filed on May 21, 1999).

As to claim 25:

Call teaches a computer network system for processing a document instance of a markup language (*e.g., By storing product information expressed in Extensible Markup Language (XML), and by using stylesheet information provided by the web site which is incorporating product information into their web presentations, the data supplied by the manufacturer can be rendered using font sizes, typefaces, background colors and formatting selected by the web page producer. Other characteristics of XML, including the ability to encourage or enforce conformity with content and formatting standards through the use of Document Type Definitions (DTD's) and the Resource Definition Framework (RDF) and Syntax Specification, facilitate the integration of data from retailers and other web page producers with the product information provided by manufacturers; see col.3, lines 1-14*) the computer system comprising:

- means for defining a first tag (*e.g., Using the Document Type Descriptor (DTD) component of XML*), including a plurality of elements (*e.g., component of XML...and optional components*) from a markup language (*e.g., XML*), in a first schema (*e.g., base "product" schema*) [see the discussion beginning at col.25, line 10] in the computer network system;
- means for extending (*e.g., extensibility/ evolve*) a definition of the first tag by use of a second schema (*e.g., descendant schema*) residing on the computer network system, the second schema defining a second tag (*e.g., Using the Document Type*

Descriptor (DTD) component of XML) by reference to the first that incorporates in the second schema the plurality of elements from the markup language and by including additional elements; means for importing the second schema into the document instance (e.g., *The metadata capabilities of XML can be used to advantage to provide an extensible system for dividing product and company information into a hierarchy of nested named elements which can be selectively accessed. Using the Document Type Descriptor (DTD) component of XML, the makeup of the required and optional components of such information can be defined in a standard way, facilitating the definition and validation of data structures to be used on various classes of products...RDF provides a mechanism for defining metadata in a class system much like the class systems used by object oriented programming and modeling systems. Classes are organized in a hierarchy, with a collection of classes used for a particular purpose (such as the collection of classes describing a "product" and/or the collection of classes describing a "company") being called a "schema." RDF thus offers extensibility through subclass definition. For example, creating subclasses for a particular kinds of product (e.g., publications, software, foods, clothing, etc.) requires only incremental modification of a base "product" schema, and each such subclass may then be further modified to form descendant schema for even more particular kinds of product (e.g., magazines, video games, cereals, shirts, etc.). The shareability and extensibility of RDF also allows metadata authors to use multiple inheritance to mix definitions, providing multiple views of their data,*

Art Unit: 2176

and leveraging the work done by others. From a practical standpoint, the creation of a simple and generic product and company description base schemas which can thereafter be extending using RDF allows basic information about products and companies to be made available early, allowing more elaborate schemas to evolve as experience with the simpler system suggests their utility) [see the discussion beginning at col.25, line 10].

As to claim 26:

Call teaches the markup language is XML (e.g., XML; see the discussion beginning at col.25, line 11).

As to claim 30:

Call teaches means for using an extension of the first tag, wherein the extension of the first tag is used in a location reserved for the first tag in the document instance (e.g., Using the Document Type Descriptor (DTD) component of XML, the makeup of the required and optional components of such information can be defined in a standard way, ... The shareability and extensibility of RDF also allows metadata authors to use multiple inheritance to mix definitions, providing multiple views of their data, and leveraging the work done by others. From a practical standpoint, the creation of a simple and generic product and company description base schemas which can thereafter be extending using RDF allows basic information about products and companies to be made available early,

allowing more elaborate schemas to evolve as experience with the simpler system suggests their utility) [see the discussion beginning at col.25, line 10].

As to claim 14:

The rejection of claim 25 above is incorporated herein in full. Additionally, Call teaches providing references for locating the first schema and second schema in the first electronic document wherein the first tag and the second tag are used to encoded text within the first electronic document (*e.g., Using the Document Type Descriptor (DTD) component of XML, the makeup of the required and optional components of such information can be defined in a standard way... requires only incremental modification of a base "product" schema, and each such subclass may then be further modified to form descendant schema ... allows metadata authors to use multiple inheritance to mix definitions... allowing more elaborate schemas to evolve*) [see the discussion beginning at col.25, line 10].

As to claim 15:

Call teaches parsing the first electronic document, wherein the first electronic document is parsed by a parser for the markup language, the parser being stored on the server (*e.g., The ability to select only a portion of an XML product description document for reproduction on a web page is provided by the Xpointer protocol...the XML Pointer Language (Xpointer) document specifies a language that supports addressing into the internal structures of XML documents. In particular, it provides*

Art Unit: 2176

for specific reference to elements, character strings, and other parts of XML documents, whether or not they bear an explicit ID attribute. Using Xpointer, only selected portions of an XML product description made available from the manufacturer's server need be presented on a given web page, enabling the creator of the web page which links in XML data to control the nature and extent of the information shown; see the discussion beginning at col.24, line 31).

As to claim 16:

Call teaches the second tag is used in a location reserved for the first tag in the electronic document (*e.g., Using the Document Type Descriptor (DTD) component of XML, the makeup of the required and optional components of such information can be defined in a standard way, ... The shareability and extensibility of RDF also allows metadata authors to use multiple inheritance to mix definitions, providing multiple views of their data, and leveraging the work done by others. From a practical standpoint, the creation of a simple and generic product and company description base schemas which can thereafter be extending using RDF allows basic information about products and companies to be made available early, allowing more elaborate schemas to evolve as experience with the simpler system suggests their utility*) [see the discussion beginning at col.25, line 10].

As to claim 17:

Refer to claim 26 above for rejection.

As to claim 18:

Call teaches the first document corresponds to, among other things, a purchase order *(e.g., the purchase order; see the discussion beginning at col.26, line 31 and col. 30, line 19).*

As to claim 20:

Call teaches accessing the second schema in a second electronic document, wherein the second tag is used to encode the second electronic document *(e.g., RDF provides a mechanism for defining metadata ... RDF thus offers extensibility through subclass definition... The shareability and extensibility of RDF also allows metadata authors to use multiple inheritance to mix definitions, providing multiple views of their data, and leveraging the work done by others. From a practical standpoint, the creation of a simple and generic product and company description base schemas which can thereafter be extending using RDF allows basic information about products and companies to be made available early, allowing more elaborate schemas to evolve as experience with the simpler system suggests their utility; see the discussion beginning at col.25, line 36).*

As to claim 21:

Call teaches parsing the first electronic document, wherein the first electronic document is parsed by a parser for the markup language, the parser being stored on the server *(e.g., The ability to select only a portion of an XML product description*

document for reproduction on a web page is provided by the Xpointer protocol...the XML Pointer Language (Xpointer) document specifies a language that supports addressing into the internal structures of XML documents. In particular, it provides for specific reference to elements, character strings, and other parts of XML documents, whether or not they bear an explicit ID attribute. Using Xpointer, only selected portions of an XML product description made available from the manufacturer's server need be presented on a given web page, enabling the creator of the web page which links in XML data to control the nature and extent of the information shown; see the discussion beginning at col.24, line 31).

As to claim 22:

Refer to claim 26 above for rejection.

As to claim 23:

Call teaches the second document corresponds to a commercial transaction (e.g., *purchase orders, special promotion pricing, purchase order confirmations*) [see the discussion beginning at col.29, line 61 and col.30, line 33].

As to claim 24:

Call teaches the commercial transaction is selected from, among other things, a purchase order (e.g., *purchase orders*; see the discussion beginning at col.26, line 32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable **Call**.

As to claim 31:

The rejection of claim 25 above is incorporated herein in full.

While teaching accessing the first and second schemas Call does not specifically disclose that the first and second schemas are accessed from different servers.

Call, however, teaches *"The system employs a product code translator, which may be implemented by a plurality of servers but which is illustrated by the single resource seen at 101 in FIG. 1. The product code translator is accessed via the Internet to perform a translation of specified universal product codes into the corresponding Internet addresses from which information about the designated products can be obtained... different servers or sets of mirrored or clustered servers may be used to process*

Art Unit: 2176

different assigned subsets of the gamut of universal product codes" [see col.4, lines 27-30 and col.5, lines 53-56].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to applied the teaching of Call to implemented the feature above because it would have provided the capability for facilitating the integration of data from retailers and other web page producers with the product information provided by manufacturers.

As to claim 32:

Call teaches the computer network system is used to conduct a commercial transaction (*e.g., purchase orders*) between two or more trading partners (*e.g., vendor, customer*) [see col.29, line 61-col.30, line 33].

As to claim 33:

Call teaches the XML document corresponds to the commercial transaction [*e.g., By storing product information expressed in Extensible Markup Language (XML)...* Other characteristics of XML, including the ability to encourage or enforce conformity with content and formatting standards through the use of Document Type Definitions (DTD's) and the Resource Definition Framework (RDF) and Syntax Specification, facilitate the integration of data from retailers and other web page producers with the product information provided by manufacturers ;see col.3,

lines 1-14/ The manufacturers preferably provide product information to their connected server in the form of well-formed Extensible Markup Language (XML) documents which may be validated against a standard Document Type Definition (DTD) to which all such product information documents should conform. The schema to which such documents adhere may be advantageously expressed in the Resource Description Framework (RDF) and Syntax Specification, as noted earlier, to facilitate the evolution of standardized content definitions for product and company information; col.32, lines 6-16].

As to claim 34:

Call teaches the commercial transaction is, among other things, a purchase order (*e.g., the purchase order; col.26, line 31 and col. 30, line 19*).

As to claim 35:

Call teaches parsing the XML document, wherein the document is parsed by an XML processor residing on the fourth server from the plurality of servers (*e.g., The ability to select only a portion of an XML product description document for reproduction on a web page is provided by the Xpointer protocol...the XML Pointer Language (Xpointer) document specifies a language that supports addressing into the internal structures of XML documents. In particular, it provides for specific reference to elements, character strings, and other parts of XML documents, whether or not they bear an explicit ID attribute. Using Xpointer, only selected*

portions of an XML product description made available from the manufacturer's server need be presented on a given web page, enabling the creator of the web page which links in XML data to control the nature and extent of the information shown; col.24, lines 31-45).

Response to Arguments

4. Applicant's arguments filed 08/30/2006 have been fully considered but they are not persuasive.

- a. Applicant argues that Applicants have disclosed technology useful for evolution of schemas [Remarks, page 7].

In response, Call brings **powerful object-oriented features to Extensible Markup Language** [see the discussion beginning at col.25, line 10]. Call discloses evolution (e.g., *evolve*) of schemas (e.g., *schemas*) [see the discussion beginning at col.25, line 10].

- b. Applicant argues that *claim 14 combines elements in a way that extends a first tag, which is a compound data element, to create a second tag that includes the data elements of the first tag and additional data elements. Applicants believe that this is not what subclasses do for classes* [Remarks, page 12].

In response, Examiner believes that Call's teaching "*Using the Document Type Descriptor (DTD) component of XML, the makeup of the required and optional components of such information can be defined in a standard way... requires only incremental modification of a base "product" schema, and each such subclass may then be further modified to form descendant schema ... allows metadata authors to use multiple inheritance to mix definitions... allowing more elaborate schemas to evolve*" reads-on "combines elements in a way that extends a first tag, which is a compound data element, to create a second tag that includes the data elements of the first tag and additional data elements".

- c. Applicant further argues that *the Examiner did not compare the reference to the to the structures that we paired with the functions in our Appeal Brief* [Remarks, page 13].

In response, Examiner believes the arguments (presented in the Appeal Brief) is moot in view of the new ground of rejection.

- d. Applicant argues that *the Examiner does not cite any teaching or suggestion to modify Call as claimed* [Remarks, page 14].

Art Unit: 2176

In response, Examiner did cite the suggestion to modify Call (see the discussion of claim 31 above).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nguyen et al. U.S. Pat. No. 6,009,543 Issued: Dec. 28, 1999
- Schoening et al. U.S. Pat. No. 6,226,788 Issued: May 1, 2001
- Britton et al. U.S. Pat. No. 6,401,101 Issued: Jun. 4, 2002
- van Eikeren et al. U.S. Pat. No. 6,501,491 Issued: Sep. 9, 2003
- Quinones U.S. Pat. No. 6,684,204 Issued: Jun. 7, 2005
- Jacobsen et al. "*Modeling Interface Definition Language Extensions*,"
Proceedings 37th International Conference on Technology of Object-Oriented
Languages and Systems, 2000, pp. 242-251.
- Hirshfield, "*Object-Oriented Programming*," ACM Computing Surveys, Vol. 28,
No. 1, March 1996, pp. 253-255.
- Battle et al., "*Flexible Information Presentation with XML*," The Institution of
Electrical Engineers, January 1999, pp. 13/1-6.
- F. Riggins et al., "*Toward a Unified View of Electronic Commerce*,"
Communications of the ACM, October 1998, vol. 41, No. 10, pp. 88-95.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

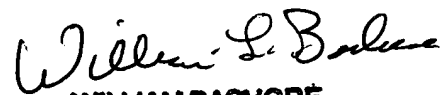
Contact information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN


WILLIAM BASHORE
PRIMARY EXAMINER